

REMARKS

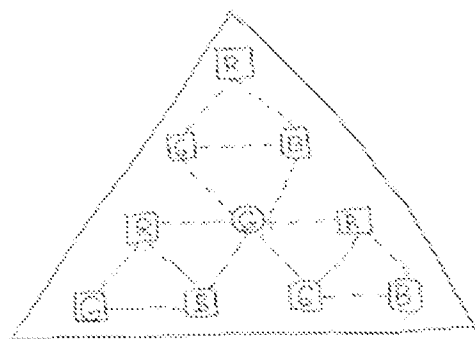
The Office Action has continued to reject all pending claims. In this regard, independent claims 1 and 11 are both rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Lin (US 6,856,087) in view of Maeshima (US 6,486,923). In response, Applicant has amended independent claims 1 and 11, so as to clearly define over the cited art and therefore render the rejections moot. In this regard, amended claims 1 and 11 have been amended to add features according to Fig. 3B. Notwithstanding the fact that these amendments render the rejections moot, Applicant provides the following additional distinguishing comments.

Amended claim 1 recites:

1. A backlight unit for a liquid crystal display, comprising:
a light source comprising:
a plurality of basic cell structures, wherein each basic cell structure,
comprising:
three unique colors of first, second and third light emitting diodes;
and
an adjacent light emitting diode;
wherein the first, second and third light emitting diode and the
adjacent light emitting diode are arranged in a quadrilateral;
wherein the adjacent light emitting diode and one of the first,
second and third light emitting diodes are green;
**wherein when the adjacent light emitting diode is considered
as a center, each three adjacent basic cell structures form a triangle;
and
in two of three adjacent basic cell structures, the adjacent light
emitting diode is adjacent to the green light emitting diode.**

(Emphasis added.) Independent claim 1 defines over the cited art for at least the reason that the cited art fails to disclose the features emphasized above.

Reference is made to the illustration below (which is a part of Fig. 3B):



If the adjacent light emitting diode (showed by circle) is considered as a center, each three adjacent basic cell structures (showed by square) form a triangle (showed by solid line). The adjacent light emitting diode is adjacent to green light emitting diodes of two of adjacent basic cell structures and is diagonal to a green light emitting diode of the other adjacent basic cell structure.

Referring to Fig. 5H of Lin et al., the backlight includes a plurality of cells, wherein each cell has three colors (RGB) LEDs. Thus, Lin et al. does not disclose the adjacent green LED. Referring to Maeshima et al., Fig. 10B only relevantly discloses that the backlight includes two green LEDs. Simply stated, even if combined, the cited references do not properly teach or disclose the defining features of:

wherein the adjacent light emitting diode and one of the first, second and third light emitting diodes are green;

wherein when the adjacent light emitting diode is considered as a center, each three adjacent basic cell structures form a triangle;
and

in two of three adjacent basic cell structures, the adjacent light emitting diode is adjacent to the green light emitting diode.

For at least the reason that the cited art fails to disclose all the claimed features (even if properly combined), the rejections of independent claims 1 and 11 should be withdrawn.

In addition, the Office Action alleged that the combination of Maeshima and Lin would have been obvious “in order to optimize the quality of the picture and balancing the factors of graininess, resolution and accurate color rendition.” Applicants respectfully disagree.

This rationale is both incomplete and improper in view of the established standards for rejections under 35 U.S.C. § 103.

In this regard, the MPEP section 2141 states:

Office policy has consistently been to follow Graham v. John Deere Co. in the consideration and determination of obviousness under 35 U.S.C. 103. As quoted above, the four factual inquiries enunciated therein as a background for determining obviousness are briefly as follows:

- (A) Determining of the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

...

BASIC CONSIDERATIONS WHICH APPLY TO OBVIOUSNESS REJECTIONS

When applying 35 U.S.C. 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
 - (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
 - (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and
 - (D) Reasonable expectation of success is the standard with which obviousness is determined.
- Hodosh v. Block Drug Co., Inc., 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

The foregoing approach to obviousness determinations was recently confirmed by the United States Supreme Court decision in *KSR INTERNATIONAL CO. V. TELEFLEX INC. ET AL.* 550 U.S. ____ (2007)(No. 04-1350, slip opinion, p. 2), where the Court stated:

In *Graham v. John Deere Co. of Kansas City*, 383 U. S. 1 (1966), the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in *Hotchkiss v. Greenwood*, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15–17. The analysis is objective:

“Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, longfelt but unsolved needs, failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” *Id.*, at 17–18.

Simply stated, the Office Action has failed to at least (1) ascertain the differences between prior art and the claims in issue; and (2) resolve the level of ordinary skill in the art. Furthermore, the alleged rationale for combining the two references (i.e., “to optimize the quality of the picture”) embodies clear and improper hindsight rationale as well as improper subjective reasoning on the part of the Office Action. For at least these additional reasons, Applicant submits that the rejections of claims 1 and 11 should be withdrawn.

Because all remaining claims depend from either claim 1 or claim 11, the rejections of the remaining claims should be withdrawn for at least the same reasons.

CONCLUSION

For at least the reasons described above, independent claims 1 and 11 are allowable over the cited references. Insofar as the independent claims define over the cited art, the remaining (dependent) claims patently define over the cited art as well.

Should Examiner feel that further discussion of the application and the Amendment is conducive to prosecution and allowance thereof, please do not hesitate to contact the undersigned at the address and telephone listed below.

No fee is believed to be due in connection with this submission. If, however, any fee is believed to be due, you are hereby authorized to charge any such fee to deposit account No. 20-0778.

Respectfully submitted,

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